

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

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|--|-----------------------------------|
| <b>CLEVERLAND HOLDINGS, LLC, D/B/A )</b> | <b>CASE NO. 1:23 CV 1571</b>      |
| <b>EMBRACE INSURANCE AGENCY, LLC, )</b>  |                                   |
| <b>)</b>                                 |                                   |
| <b>Plaintiff, )</b>                      |                                   |
| <b>)</b>                                 |                                   |
| <b>v. )</b>                              | <b>JUDGE DONALD C. NUGENT</b>     |
| <b>)</b>                                 |                                   |
| <b>JENNIFER MAHAN, A/K/A JENNA )</b>     | <b>Magistrate Judge</b>           |
| <b>MAHAN, et al., )</b>                  | <b>Jennifer Dowdell Amrstrong</b> |
| <b>)</b>                                 |                                   |
| <b>Defendants. )</b>                     | <b>MEMORANDUM OPINION</b>         |
| <b>)</b>                                 | <b><u>AND ORDER</u></b>           |

This matter is before the Court on the Motion for a Temporary Restraining Order and Preliminary Injunctive Relief filed by Plaintiff, Cleverland Holdings, LLC (“Cleverland”). (Docket #4.) On September 1, 2023, this case was referred to Magistrate Judge Jennifer Dowdell Armstrong for a Report and Recommendation on Cleverland’s Motion. (Docket #20.)

On September 25, 2023, Magistrate Judge Armstrong held a hearing on Cleveland's Motion and, on October 10, 2023, issued her Report and Recommendation. (Docket #26.) The Magistrate Judge recommends that Cleveland's Motion be denied. On October 24, 2023, Cleveland filed its Objections to the Report and Recommendation of the Magistrate Judge. (Docket #27.) On November 6, 2023, Ms. Mahan filed her Response to Cleveland's Objections. (Docket #29.)

### **Standard of Review for a Magistrate Judge's Report and Recommendation**

The applicable district court standard of review for a magistrate judge's report and recommendation depends upon whether objections were made to the report. When objections are made to a report and recommendation of a magistrate judge, the district court reviews the case *de novo*. FED. R. CIV. P. 72(b) provides:

The district judge must determine *de novo* any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

### **Conclusion**

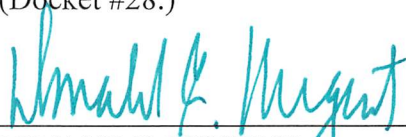
The Court has reviewed the Magistrate Judge's Report and Recommendation *de novo*, analyzing Cleveland's Objections to the Report and Recommendation and Ms. Mahan's Response thereto. Magistrate Judge Armstrong thoroughly and exhaustively reviewed the Cleveland's Motion, including all related briefing, exhibits and the evidenced presented during the September 25, 2023 hearing, in conjunction with the applicable statutory and case law. For the reasons set forth in the Report and Recommendation, Magistrate Judge Armstrong correctly concluded that Cleveland is not entitled to the requested injunctive relief.

Accordingly, the Report and Recommendation issued by Magistrate Judge Armstrong (Docket #26) is hereby ADOPTED in its entirety. Cleveland's Motion for a Temporary Restraining Order and Preliminary Injunctive Relief (Docket #4) is DENIED.

A Case Management Conference is scheduled for December 14, 2023 at 9:00 a.m. to be held telephonically before Judge Donald C. Nugent. (Docket #28.)

IT IS SO ORDERED.

DATED: November 20, 2023

  
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DONALD C. NUGENT  
United States District Judge